

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of DeKalb County

For Clerk Use Only

8/5/2022

Date Filed _____

MM-DD-YYYY

Case Number 22A02951

Plaintiff(s)

Taylor Amanda M.
Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Sheppard Harry L.
Last First Middle I. Suffix Prefix

U.S. Xpress Leasing Inc.

Last First Middle I. Suffix Prefix

Mountain Lake Risk

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Anthony J. Petrozza State Bar Number 347504 Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☒ Automobile Tort
☐ Civil Appeal
☐ Contempt/Modification/Other Post-Judgment
☐ Contract
☐ Garnishment
☐ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Dissolution/Divorce/Separate Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

22A02951

No. _____

**STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTY****Date Summons Issued and E-Filed**

8/5/2022

SUMMONS_____
/s/ Monica Gay

Deputy Clerk

Deposit Paid \$ _____

Amanda Marnae Taylor_____
10 Perimeter Park Drive, 330, Atlanta, Georgia 30341

Plaintiff's name and address

vs.**[] JURY**_____
Mountain Lake Risk_____
8744 Main Street_____
Woodstock, Georgia 30788

Defendant's name and address

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

Anthony J. Petrozza, Morgan & Morgan Atlanta PLLC.

Name

178 S. Main Street, Unit 300

Address

Alpharetta, Georgia 30009_____
347504

Phone Number

Georgia Bar No.

an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. The answer or other responsive pleading can be filed via electronic filing through eFileGA via www.eFileGA.com or, if desired, at the e-filing public access terminal in the Clerk's Office at 556 N. McDonough Street, Decatur, Georgia 30030

Defendant's Attorney_____
Third Party Attorney_____
Address_____
Address_____
Phone No._____
Georgia Bar No._____
Phone No._____
Georgia Bar No.**TYPE OF SUIT**

- ☐ Personal Injury ☐ Products Liability
☐ Contract ☐ Medical Malpractice
☐ Legal Malpractice ☐ Product Liability
☐ Other

Principal \$ _____

Interest \$ _____

Atty Fees \$ _____

Access to the e-filing site and the rules is available at www.dekalbstatecourt.net

To indicate consent to e-service check the box below.

☐ (Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.

E-file summons1-2016

**STATE COURT OF
DEKALB COUNTY, GA.
8/5/2022 3:23 PM
E-FILED
BY: Monica Gay**

22A02951

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Deputy Clerk

Deposit Paid \$ _____

Amanda Marnae Taylor

10 Perimeter Park Drive, 330, Atlanta, Georgia 30341
Plaintiff's name and address

[] JURY

vs.

U.S. Xpress Leasing, Inc.

4080 Jenkins Road

Chattanooga, TN 37421

Defendant's name and address

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Defendant's Attorney

Third Party Attorney

Address

Address

Phone No.

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☐ Contract ☐ Medical Malpractice
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Principal \$ _____

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STATE COURT OF
DEKALB COUNTY, GA.
8/5/2022 3:23 PM
E-FILED
BY: Monica Gay

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

AMANDA MARNAE TAYLOR

Plaintiff,

v.

HARRY LATROY SHEPPARD,
U.S.XPRESS LEASING INC. and
MOUNTAIN LAKE RISK

Defendants.

CIVIL ACTION 22A02951

FILE NO.: **TBD**

COMPLAINT

COMES NOW AMANDA MARNAE TAYLOR, Plaintiff, and makes and files this Complaint against Defendants HARRY LATROY SHEPPARD, US EXPRESS LEASING INC. and MOUNTAIN LAKE RISK as follows:

PARTIES AND JURISDICTION

1.

Plaintiff Amanda Marnae Taylor is a resident of the State of Georgia.

2.

Defendant Harry Latroy Sheppard is a citizen and resident of the State of Georgia, whose last known residence is 135 Dent Avenue, Waynesboro, Georgia 30830.

3.

U.S Xpress Leasing Inc. is a domestic limited liability company existing under the laws of Georgia with its principal place of business in Georgia and may be served through its registered

agent U.S. Xpress Leasing Inc., a Georgia Corporation, at 4080 Jenkins Road, Chattanooga, Tennessee 37421, USA, and is subject to the jurisdiction of this court.

4.

Mountain Lake Risk is a domestic limited liability insurance company existing under the laws of Georgia with its principal place of business in Georgia and may be served at 8744 Main Street, Woodstock, Georgia 30188

5.

Jurisdiction and venue are proper in this court.

BACKGROUND

6.

On or about March 22, 2022, at approximately 3:57 p.m. Plaintiff was traveling eastbound on Interstate 285 near N. Shallowford Road.

7.

Defendant Harry Latroy Sheppard was driving his vehicle eastbound on Interstate 285 near N. Shallowford Road.

8.

On this date, Defendant Harry Latroy Sheppard was operating his vehicle on behalf of Defendant U.S. Xpress Leasing Inc.

9.

Defendant Sheppard was operating a 2020 Freightliner TT, traveling eastbound in the third lane of Interstate 285, when he negligently, recklessly, carelessly, and unlawfully attempted to make an improper lane change; causing the 5 car collision.

10.

As a result of the collision, Plaintiff suffered injuries and was transported to the hospital by AMR.

COUNT 1 **NEGLIGENCE**

11.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 10 above as if fully restated.

12.

Defendant Harry Latroy Sheppard was negligent in the following manner:

(a) *failing to stay in his lane of travel; O.C.G.A § 40-6-48*

13.

Defendant Harry Latroy Sheppard was negligent in failing to maintain a proper lookout for plaintiff's vehicle and colliding with plaintiff's vehicle.

14.

Defendant Harry Latroy Sheppard negligence is the sole and proximate cause of the collision, and plaintiff's resulting injuries.

COUNT 2

IMPUTED LIABILITY

15.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 14 above as if fully restated.

16.

At the time of the subject collision, defendant Harry Latroy Sheppard was under dispatch for defendant U.S. Xpress Leasing Inc.

17.

At the time of the subject collision, defendant Harry Latroy Sheppard was operating his vehicle on behalf of defendant U.S. Xpress Leasing Inc.

18.

Defendant U.S. Xpress Leasing Inc. is an intrastate or interstate motor carrier, and pursuant to federal and state laws, is responsible for the actions of defendant Harry Latroy Sheppard in regard to the collision described in this complaint under the doctrine of lease liability, agency or apparent agency.

COUNT 3

NEGLIGENT HIRING, TRAINING & SUPERVISION

19.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 18 above as if fully restated.

20.

Defendant U.S. Xpress Leasing Inc. was negligent in hiring defendant Harry Latroy Sheppard and entrusting him to operate said vehicle.

21.

Defendant U.S. Xpress Leasing Inc. was negligent in failing to properly train defendant Harry Latroy Sheppard.

22.

Defendant U.S. Xpress Leasing Inc. was negligent in failing to properly supervise defendant Harry Latroy Sheppard

23.

Defendant U.S. Xpress Leasing Inc.'s negligence in hiring defendant Harry Latroy Sheppard and entrusting him with driving a vehicle and failing to train and supervise him properly was the sole and proximate cause of the collision, and plaintiff's resulting injuries.

COUNT 4

DIRECT ACTION

24.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 23 above as if fully restated.

25.

Defendant Harry Latroy Sheppard is subject to a direct action as the insurer for defendant U.S. Xpress Leasing Inc. pursuant to O.C.G.A. § 40-2-140 or its predecessor O.C.G.A. § 46-7-12.1.

26.

Defendant U.S. Xpress Leasing, Inc. was the insurer of defendant Harry Latroy Sheppard at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for intrastate transportation.

27.

Defendant Harry Latroy Sheppard and defendant U.S. Xpress Leasing Inc. are subject to the filing requirements outlined in O.C.G.A. § 40-2-140 or its predecessor O.C.G.A. § 46-7-12.1.

28.

Defendant U.S. Express Leasing Inc. is responsible for any judgment rendered against defendant Harry Latroy Sheppard up to its policy limits of coverage.

COUNT 5
DAMAGES

29.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 28 above as if fully restated.

30.

As a result of defendants' negligence, plaintiff suffered from neck pain.

31.

As a result of defendants' negligence, plaintiff has incurred past medical expenses and will continue to incur future medical expenses.

32.

Defendants' negligence is the sole and proximate cause of plaintiff's injuries.

COUNT 6
PUNITIVE DAMAGES

33.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 32 above as if fully restated.

34.

Defendants' conduct was reckless, willful and wanton, and demonstrates a conscious indifference to the consequences of their actions and entitles plaintiff to an award of punitive damages.

WHEREFORE, plaintiff prays that she has a trial on all issues and judgment against defendants as follows:

- a. That plaintiff recover the full value of past and future medical expenses and past and future lost wages in an amount to be proven at trial;
- b. That plaintiff recover for physical and mental pain and suffering in an amount to be determined by the enlightened conscience of a jury;

- c. That plaintiff recover punitive damages in an amount to be determined by the enlightened conscience of a jury; and
- d. That plaintiff recover such other and further relief as is just and proper.

This 5th of August, 2022.

Respectfully submitted,

MORGAN & MORGAN



ANTHONY J PETROZZA, Esq.
Georgia Bar No. 347504
Attorney for Plaintiff

MORGAN & MORGAN ATLANTA PLLC
178 S Main Street Until 300
Alpharetta, Georgia 30009
Telephone: 770-576-7623
Facsimile: 770- 576-7673
apetrozza@forthepeople.com

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Amanda Marnae Taylor_____
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Harry Latroy Sheppard
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Waynesboro, Georgia 30830
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Defendant's Attorney_____
Third Party Attorney_____
Address_____
Address_____
Phone No._____
Georgia Bar No._____
Phone No._____
Georgia Bar No.**TYPE OF SUIT**

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RETURN OF SERVICE

I declare under oath that I am 18 years or older and not a party to the action and that I served:

- ☒ Summons ☐ Default Judgment Order ☐ Complaint ☐ Motion for Trustee Process
☐ Answer form ☐ List of Exemptions ☐ Information and Instructions for the Defendant
☐ Trustee's Disclosure Form ☐ Attachment(s) ☐ Other _____

Respondent: Mountain Lake RiskRetention Group, Inc.

County: Washington

State: Vermont

Date: 8/18/22

Time: 11:30 AM EST

By (Check one):

- ☐ By handing it to a person identified to me as the Respondent: (print name of person served).
☒ By leaving it with Martin Delaney - Registered Agent, who is designated to receive service for the Respondent because of the following relationship with the Respondent: _____ as provided for in C.R.C.P. 4(e).
☐ I attempted to serve the Respondent on _____ occasions but have not been able to locate the Respondent. Attempts were made on _____.
☐ I attempted to leave it with Respondent who refused service.

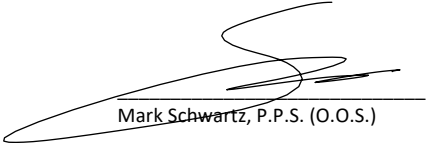
VERIFICATION


I declare under penalty of perjury under the laws of Vermont that the foregoing is true and correct.

UNDERSIGNED DECLARES UNDER PENALTY
OF PERJURY THAT THE FOREGOING IS TRUE

SUBSCRIBED & SWORN TO BEFORE ME THIS

18th DAY OF August, 20 22


Mark Schwartz, P.P.S. (O.O.S.)


NOTARY PUBLIC COMMISSION EXPIRES 01/31/2023

